

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:24-CR-90-FL-1

UNITED STATES OF AMERICA

v.

TARUEZ MARQUISE EVERETTE,

Defendant.

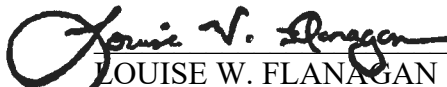
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ORDER

This matter is before the court on defendant's motion to dismiss or strike Armed Career Criminal Act allegation from the indictment (DE 29), and motion for leave to file the same out of time (DE 28). United States Magistrate Judge Robert B. Jones, Jr., entered Memorandum and Recommendation ("M&R") wherein it is recommended that defendants' motions be granted. The motions are not opposed by the government and no objections have been filed.

The district court reviews de novo those portions of a magistrate judge's M&R to which specific objections are filed. 28 U.S.C. § 636(b). Absent a specific and timely filed objection, the court reviews only for "clear error," and need not give any explanation for adopting the M&R. Camby v. Davis, 718 F.2d 198, 200 (4th Cir.1983). In this case, the magistrate judge cogently addresses the issues raised by defendant's motions. Upon careful review of the M&R and of the record generally, having found no clear error, the court hereby ADOPTS the M&R as its own, and, for the reasons stated therein, defendant's motions are granted. The court STRIKES the "allegation of prior convictions" from the indictment. (DE 1 at 1). The clerk is DIRECTED to schedule arraignment for the next available term of court.

SO ORDERED, this the 17th day of March, 2025.



LOUISE W. FLANAGAN
United States District Judge